

**Town of Auburn  
Board of Selectmen  
April 2, 2018  
Non-Public Session #  
3 of 3  
(Sealed)  
NH RSA 91-A: 3, II (a)**

**UNSEALED – June 4, 2018**

**Selectmen Present: James Headd, Richard Eaton and Keith Leclair**

**Also Present: Town Administrator William Herman, and Recording Secretary Nancy Hoijer**

***Mr. Eaton motioned to go into non-public session under NH RSA 91-A: 3, II (a) dismissal, promotion or compensation of any public employee. Mr. Headd seconded his motion, with all in favor, so moved.***

The meeting room remained closed to the public.

Mr. Herman presented the Board with a complaint letter dated March 10, 2018 from Shawn Wheeler of 417 Bunker Hill Road, concerning Fire Chief Ed Gannon; and a letter dated March 19, 2018 also from Shawn Wheeler concerning the Fire Chief.

Mr. Wheeler's March 10, 2018 letter alleges that he witnessed campaign signs for Rusty Sullivan, in the building while passing Chief Gannon's office and provided a printed copy of a photo. Mr. Wheeler believes this to be a violation of both the town ethic's policy, the RSA and "Town Personnel Policy 17-2." Mr. Wheeler's March 19, 2018 letter alleges that in addition, he requested Right to Know copies of the town's email server requesting members "willing to have Rusty Sullivan signs placed on their property" in violation of Town Policy 1:8.2 business use of internet and email communications in an "unethical or improper manner." Mr. Wheeler reminds the Board of the Town's disciplinary policy 13 where four examples for immediate termination are given, which include immoral or indecent conduct on town property; threatening, coercing, intimidating or interfering with other employees; acts of sabotage, or other interference with employer projects; and participating in an unauthorized job action. Mr. Wheeler provided an enlarged photocopy of the email solicitation in question. Mr. Herman provided the Board with his letter dated March 26, 2018 which contained a timeline of his review of the complaint, and potential considerations for the Board.

Mr. Headd clarified that paragraph four of Mr. Herman's summary was inaccurate, that he did not physically observe the signs at the Safety Complex himself but had received a phone message. He was also aware that the fire department was out on a fire call when that message was left. Mr. Headd phoned Mr. Sullivan, who was unaware of the signs and how they got there. Mr. Leclair stated that while he was out introducing himself, he met with Chief Gannon and discussed the issue and had no reason not to believe him.

Mr. Leclair advised that there should be a policy in place concerning posts on social media with one town provider criticizing another publically and openly, when issues should be

addressed directly between the concerned parties and/or their supervisors. One such incident concerned the snow removal at the Safety Complex which Fire Chief Gannon felt should receive top priority. Snow removal of the cisterns is also an issue that needs to be addressed, as it is unclear who is responsible and what kind of equipment is needed. A typical snow plow would be unable to remove the snow from the blocked cisterns which would require access for water to fight fires.

Mr. Herman's summary advised that the Town has a policy concerning elections but its scope is solely on activities that can't take place at the place of voting on the day of voting. Mr. Wheeler observed the signs on March 10<sup>th</sup> during the Blood Drive hosted by the Fire Department. Mr. Herman advised that firefighters are not subject to the provisions of the town's personnel policy, they are subject to their own Standard Operating Procedures & Guidelines of the Auburn Fire Department. Mr. Eaton advised that the policy concerning email and internet may need to be tightened up but that it suggested "incidental use" which means keeping it to a minimum, not complete non-use, "it doesn't say you can and it doesn't say you can't."

Mr. Herman included a memo from town counsel. It was Mr. Herman's opinion the Town did not have any legally supported grounds to dismiss Chief Gannon. Mr. Herman's letter outlined some possible disciplinary actions that the Board could choose to take.

Mr. Leclair stated that Chief Gannon was doing an excellent job and Mr. Eaton agreed that only his administrative skills lacked experience and could use some additional help with that.

Mr. Leclair expressed that his biggest concern was any person of authority making that kind of suggestion could be interpreted incorrectly as intimidating the employees. However, despite concerns, very few signs were viewed on any of the employees' lawns.

Mr. Herman recommended meeting with Chief Gannon in non-public session at 6:30 pm at the next board meeting on April 16, 2018 to discuss the matter.

The Board agreed with this and additionally that policies need to be fine-tuned concerning the snow removal and social media posts.

**Mr. Eaton motion to come out of non-public session at 6:35 p.m., Mr. Leclair seconded the motion, all were in favor, the motion passed unanimously.**

**Mr. Headd motioned to seal the minutes of the prior three non-public sessions. Seconded by Mr. Leclair. A vote was taken, all were in favor, the motion passed unanimously.**

Shawn Wheeler  
417 Bunker Hill Road  
Auburn, NH 03032  
(603) 393 - 6342

March 10, 2018

James Headd  
Chairman, Town of Auburn Board of Selectmen  
47 Chester Road  
Auburn, NH 03032

To Chairman James Headd and other Town of Auburn Selectmen,

I am writing to make a formal complaint against Fire Chief Ed Gannon.

While attending a Red Cross Blood Drive at the Auburn Public Safety Complex on March 10, I witnessed several political campaign signs as I made my way through the building. The signs read "Rusty Sullivan Selectman" and were noticeable while passing by Chief Gannon's office.

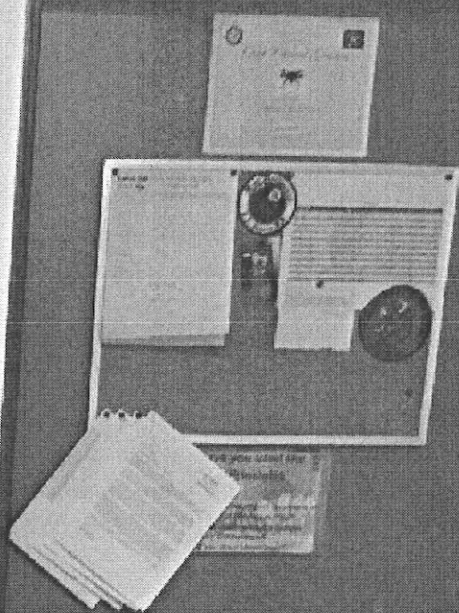
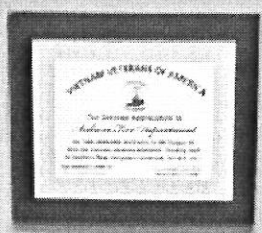
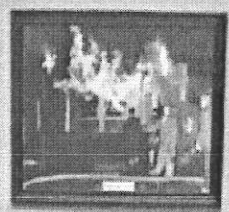
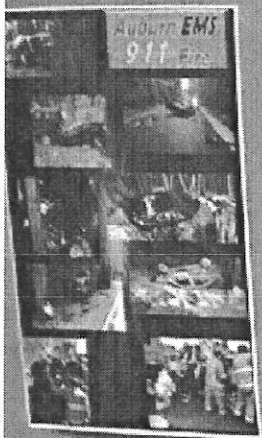
By displaying political signs within a public building under his authority, I feel as Chief Gannon not only violated the Town's Ethics Policy, but also State RSA. According to Town Personnel Policy 17:2, "Employees must refrain from taking part in, or exerting influence in, any transaction in which their own interests may conflict with the best interests of the Town." New Hampshire RSA 664:17 also strictly prohibits the placement of political signs within a public building.

If there is in fact a reasonable explanation for these materials being kept within a public building, I look forward to hearing it. However, as the appointing authority I urge the Board of Selectmen to consider this matter as Chief Gannon's term comes to a close.

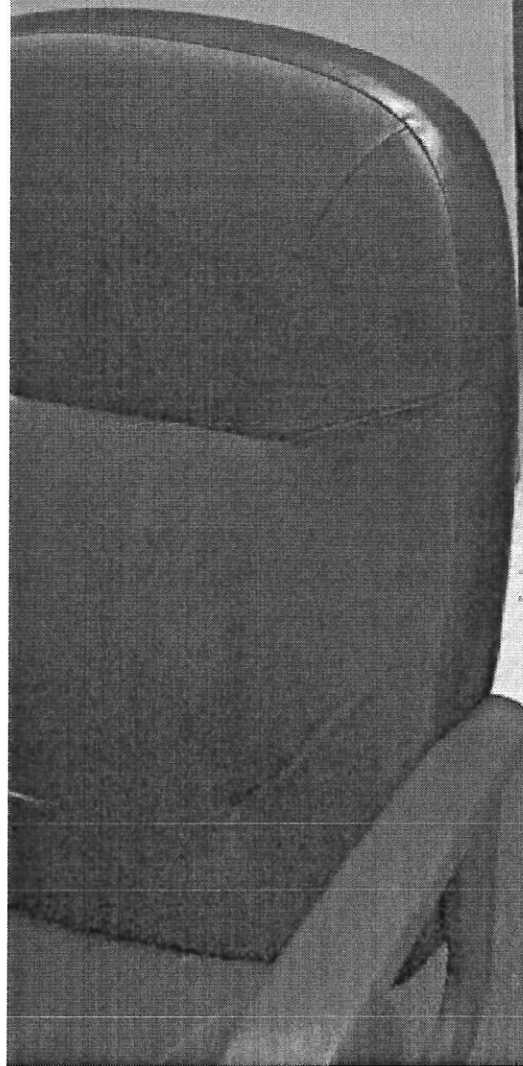
Regards,

A handwritten signature in black ink, appearing to be 'Shawn Wheeler', with a long horizontal stroke extending to the right.

Shawn Wheeler



**RUSTY  
SULLIVAN**  
**SELECTMAN**



Shawn Wheeler  
417 Bunker Hill Road  
Auburn, NH 03032  
(603) 393 - 6342

March 19, 2018

James Headd  
Chairman, Town of Auburn Board of Selectmen  
47 Chester Road  
Auburn, NH 03032

To Chairman James Headd and other Town of Auburn Selectmen,

I am writing to express additional concerns regarding the conduct of Fire Chief Ed Gannon. As you are aware, political campaign materials were recently seen outside of Chief Gannon's office at the Auburn Safety Complex. In an effort to learn the full extent of the Chief's undue involvement with political matters while acting as a town official, a request for related email communications was submitted. Through this 91-A Right-to-Know Law request, it was discovered that in fact the Chief did utilize the Town's email server to seek out members who were "willing to have Rusty Sullivan signs placed on their property."

Auburn Town Policy 1:8.2, the Use of Internet and E-mail Communications, limits email communications to business use. Part B of the policy further explains that employees are prohibited from using provided equipment in an "unethical" or "improper" manner.

Given this pattern of disturbing and unethical behavior by Chief Gannon's, I would like to remind the Board of the Town's Disciplinary Policy 13 where the following examples are given where justification for immediate termination is given.

- 4. Immoral or indecent conduct on Town property.
- 6. Threatening, coercing, intimidating or interfering with other employees.
- 12. Acts of sabotage, or other interference with employer projects.
- 19. Participating in an unauthorized job action.

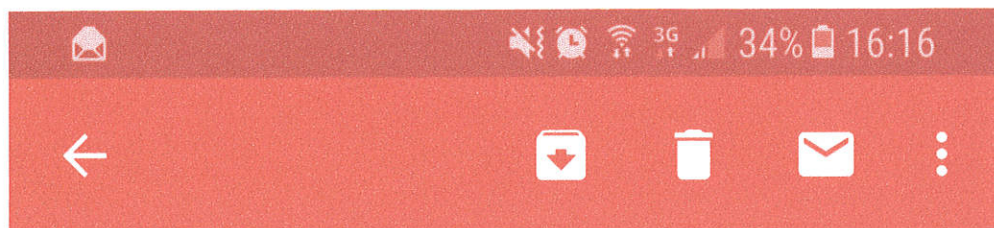
Again, thank you for your time and consideration in this matter.

Regards,



Shawn Wheeler





Rusty > Inbox



Ed Gannon

to members

13:50 [View details](#)



Good Afternoon,

We are looking for people willing to have Rusty Sullivan signs placed on their property. Please let C-1 know ASAP.

Mr. Ed

Chief Edward Gannon

[chief@auburnnhfire.org](mailto:chief@auburnnhfire.org)

[603-483-8141](tel:603-483-8141)

